

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)
)
Plaintiffs,)
)
vs.)
)
E.I. DUPONT DE NEMOURS AND) Case No. 4:09-cv-00686-ERW
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)
)
Defendants.)

**PLAINTIFFS' MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF FIFTEEN PAGES**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully request the Court grant leave for Monsanto to file Plaintiffs’ Memorandum in Support of their Motion to Strike Testimony of Louis P. Berneman, containing approximately 30 pages.

In support of this motion, Monsanto states that the additional pages are necessary to adequately address the numerous improprieties contained in Mr. Berneman's putative expert report, including attempts to opine on legal issues of contract interpretation, weigh witness credibility, and opine on the parties' respective and purported states of mind. This motion is currently not part of the group of expert-related motions to be heard by this Court on January 5, 2012 pursuant to the Court's Order of December 16, 2011 (Dkt. 966). The brief is not needlessly repetitious, and Monsanto respectfully requests that this motion be granted.

Dated: December 16, 2011

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran.

Joseph P. Conran, E.D.Mo. # 21635MO

joe.conran@huschblackwell.com

Omri E. Praiss, E.D.Mo. # 41850MO

omri.praiss@huschblackwell.com

Dutro E. Campbell, E.D.Mo. # 47942MO

bruce.campbell@huschblackwell.com

Greg G. Gutzler, E.D.Mo. # 48893MO

greg.gutzler@huschblackwell.com

Tamara M. Spicer, E.D.Mo. # 54037MO

tamara.spicer@huschblackwell.com

Steven M. Berezney, E.D.Mo. # 56091MO

steve.berezney@huschblackwell.com

190 Carondelet Plaza, Suite 600

St. Louis, MO 63105

(314) 480-1500 – telephone

(314) 480-1505 – facsimile

WINSTON & STRAWN LLP

Dan K. Webb

dwebb@winston.com

George C. Lombardi

glombardi@winston.com

Todd J. Ehlman

tehlman@winston.com

James M. Hilmert

jhilmert@winston.com

35 W. Wacker Drive, Suite 4200

Chicago, IL 60601

(312) 558-5600 – telephone

(312) 558-5700 – facsimile

John J. Rosenthal
jrosenthal@winston.com
Matthew A. Campbell
macampbell@winston.com
Jovial Wong
jwong@winston.com
Andrew E. Smith
aesmith@winston.com
Erica E. Stauffer
estauffer@winston.com
Zachary L. Spencer
zspencer@winston.com
Adam S. Nadelhaft
anadelhaft@winston.com
1700 K Street, N.W.
Washington, DC 20006
(202) 282-5000 – telephone
(202) 282-5100 – facsimile

Gail J. Standish
gstandish@winston.com
333 South Grand Avenue
Los Angeles, CA 90071-1543
(213) 615-1700 – telephone
(213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY
Steven G. Spears
sspears@mwe.com
1000 Louisiana Street, Suite 3900
Houston, TX 77002-5005
(713) 653-1700 – telephone
(713) 739-7592 – facsimile

*Attorneys for Plaintiff Monsanto Company and
Monsanto Technology LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of December, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq.
C. David Goerisch, Esq.
Lewis, Rice & Fingersh, L.C.
600 Washington, Suite 2500
St. Louis, MO 63101

Leora Ben-Ami, Esq.
Thomas F. Fleming, Esq.
Christopher T. Jagoe, Esq.
Howard S. Suh, Esq.
Jeanna Wacker, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

Donald L. Flexner, Esq.
Hershel Wancjer, Esq.
Cynthia Christian, Esq.
Robert M. Cooper, Esq.
Jack G. Stern, Esq.
Boies, Schiller & Flexner LLP
575 Lexington Avenue, 7th Fl.
New York, NY 10022

James P. Denvir, Esq.
Amy J. Mauser, Esq.
Jonathan H. Sherman, Esq.
Boies, Schiller & Flexner LLP
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015

Attorneys for Defendants

/s/ Joseph P. Conran .